

HOUSE BILL 143

Unofficial Copy  
J1

2003 Regular Session  
(3lr0551)

**ENROLLED BILL**

-- Health and Government Operations/Finance and Budget and Taxation --

Introduced by **Delegates Donoghue, Busch, Hurson, Mandel, Owings, Amedori, Anderson, Arnick, Aumann, Barkley, Bartlett, Barve, Bates, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Branch, Bromwell, Bronrott, Brown, Burns, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Conroy, Conway, Costa, Cryor, C. Davis, D. Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Flanagan, Franchot, Frank, Frush, Fulton, Gaines, Glassman, Goldwater, Gordon, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Hogan, Holmes, Howard, Hubbard, Hutchins, Impallaria, James, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Krebs, Krysiak, Lee, Leopold, Love, Madaleno, Malone, Marriott, McComas, McConkey, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Minnick, Mitchell, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Niemann, Oaks, O'Donnell, Paige, Parker, Parrott, Patterson, Pendergrass, Petzold, Proctor, Quinter, Ramirez, Rawlings, Redmer, Rosenberg, Ross, Rudolph, Rzepkowski, Schisler, Shank, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vallario, Vaughn, Walkup, Weir, Weldon, Wood, and Zirkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

**Maryland Health Care Foundation-- Maryland Medbank Program -  
Administration, Extension, and Funding**

3 FOR the purpose of extending the termination date of the Maryland Medbank  
4 Program ~~administered by the Maryland Health Care Foundation~~; requiring the  
5 Maryland Medbank Program to be administered by Medbank of Maryland, Inc.;  
6 requiring Medbank of Maryland, Inc. to contract with certain entities to operate  
7 the Program; providing that the Program shall be funded entirely by the  
8 Department of Health and Mental Hygiene; requiring Medbank of Maryland,  
9 Inc. to ensure that the Program is available to residents in certain geographic  
10 regions of the State; repealing certain provisions relating to the use of certain  
11 regional offices and providing that Medbank of Maryland, Inc. shall be the  
12 central coordinating office for the State; requiring the Department to require  
13 certain financial reports from Medbank of Maryland, Inc.; requiring Medbank of  
14 Maryland, Inc. to release funds to certain entities; requiring the Department and  
15 Medbank of Maryland, Inc. to report certain information to the Governor and  
16 General Assembly on or before a certain date each year; authorizing Maryland  
17 Medbank Program funds to be used to distribute medication to enrollees under  
18 certain circumstances; ~~requiring the Governor to include in the annual budget~~  
19 ~~bill a certain appropriation the Department of Health and Mental Hygiene to~~  
20 ~~request funding for a certain purpose;~~ providing for the termination of this Act;  
21 and generally relating to the Maryland Medbank Program ~~administered by the~~  
22 ~~Maryland Health Care Foundation.~~

23 BY repealing and reenacting, with amendments,  
24 Article - Health - General  
25 Section 15-124.2  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2002 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Chapter 134 of the Acts of the General Assembly of 2001, as amended by  
30 Chapter 153 of the Acts of the General Assembly of 2002  
31 Section 12

32 BY repealing and reenacting, with amendments,  
33 Chapter 135 of the Acts of the General Assembly of 2001, as amended by  
34 Chapter 153 of the Acts of the General Assembly of 2002  
35 Section 12

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
37 MARYLAND, That the Laws of Maryland read as follows:

38 **Article - Health - General**

39 15-124.2.

40 (a) (1) In this section ~~the following words have the meanings indicated.~~

1           (2)     "Foundation" means the Maryland Health Care Foundation  
2 established under § 20-502 of this article.

3           (3)     ~~SECTION.~~ "Program" means the Maryland Medbank Program  
4 established under this section.

5           (b)     There is a Maryland Medbank Program.

6           (c)     The purpose of the Program is to improve the health status of individuals  
7 throughout the State who lack prescription drug coverage by providing access to  
8 medically necessary prescription drugs through patient assistance programs  
9 sponsored by pharmaceutical drug manufacturers.

10          (d)     (1)     Subject to paragraph (2) of this subsection, the Program shall be  
11 administered by ~~the Foundation~~ MEDBANK OF MARYLAND, INC.

12          (2)     ~~The Foundation~~ MEDBANK OF MARYLAND, INC. shall contract with  
13 one or more government or nonprofit entities to operate the Program.

14          (e)     (1)     The ~~administration and operation of the~~ Program shall be funded  
15 through a grant provided by the Department.

16          (2)     Program funds may be used in part to:

17                   (I)     [purchase] PURCHASE interim supplies of prescription drugs  
18 for enrollees who have applied to participate in a manufacturer's patient assistance  
19 program but have not yet received the approved prescription drug; AND

20                   (II)     DISTRIBUTE MEDICATION TO ENROLLEES WHO HAVE BEEN  
21 APPROVED TO PARTICIPATE IN A MANUFACTURER'S PATIENT ASSISTANCE PROGRAM.

22          (f)     (1)     ~~The Foundation~~ MEDBANK OF MARYLAND, INC. shall ensure that the  
23 Program is available to residents in each of the following geographic regions of the  
24 State:

25                   (i)     Western Maryland;

26                   (ii)    The Eastern Shore;

27                   (iii)   The Baltimore metropolitan area;

28                   (iv)   The Maryland counties in the Washington, D.C. metropolitan  
29 area; and

30                   (v)     Southern Maryland, including Anne Arundel County.

31          (2)     ~~The Foundation shall use Medbank of Maryland, Inc. and the~~  
32 ~~Western Maryland Prescription Program as the regional offices for the Baltimore~~  
33 ~~metropolitan area and Western Maryland, respectively~~ SHALL BE THE CENTRAL  
34 COORDINATING OFFICE FOR THE STATE.

1 (g) Eligibility for the Program shall be limited only by the criteria established  
2 by pharmaceutical manufacturers for their patient assistance programs.

3 (h) (1) The ~~Foundation~~ DEPARTMENT shall require detailed financial  
4 reports at least quarterly from ~~the entities that operate the Program~~ MEDBANK OF  
5 MARYLAND, INC.

6 (2) ~~The Foundation~~ MEDBANK OF MARYLAND, INC. shall release funds to  
7 the entities that operate the Program as needed and justified by the quarterly reports  
8 filed in accordance with paragraph (1) of this subsection.

9 (i) On or before December 1, 2001, and annually thereafter, the ~~Foundation~~  
10 DEPARTMENT AND MEDBANK OF MARYLAND, INC. shall report to the Governor and,  
11 in accordance with § 2-1246 of the State Government Article, to the General  
12 Assembly, on the status of the Maryland Medbank Program established under this  
13 section, including:

14 (1) The number and demographic characteristics of the State residents  
15 served by the Program;

16 (2) The types and retail value of prescription drugs accessed through the  
17 Program;

18 (3) The nature and extent of outreach performed to inform State  
19 residents of the assistance available through the Program; and

20 (4) The total volume and retail value of each brand name drug, by  
21 manufacturer, accessed through the Program.

22 ~~(J) FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER, THE~~  
23 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF~~  
24 ~~AT LEAST \$3,000,000 TO THE DEPARTMENT DEPARTMENT SHALL REQUEST FUNDING~~  
25 ~~IN THE BUDGET FOR TRANSFER TO THE FOUNDATION FOR THE SOLE PURPOSE OF~~  
26 ~~MAKING ONE OR MORE GRANTS TO ENTITIES TO OPERATE THE PROGRAM AS~~  
27 ~~PROVIDED IN THIS SECTION.~~

28 **Chapter 134 of the Acts of 2001**

29 ~~SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this~~  
30 ~~Act shall take effect July 1, 2001. On the earlier of the end of June 30, 2003, or the~~  
31 ~~availability of comparable prescription drug benefits provided by Medicare under~~  
32 ~~Title XVIII of the Social Security Act, as amended, with no further action required by~~  
33 ~~the General Assembly, [Sections 3 and] SECTION 4 of this Act shall be abrogated and~~  
34 ~~of no further force and effect. If comparable prescription drug benefits are provided by~~  
35 ~~Medicare under Title XVIII of the Social Security Act, the Secretary of Health and~~  
36 ~~Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,~~  
37 ~~Annapolis, Maryland 21401 not later than 90 days before prescription drug benefits~~  
38 ~~are to be provided.~~

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**Chapter 135 of the Acts of 2001**

2 SECTION 12. ~~AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this~~  
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9 ~~Mental Hygiene shall notify the Department of Legislative Services, 90 State Circle,~~  
10 ~~Annapolis, Maryland 21401 not later than 90 days before prescription drug benefits~~  
11 ~~are to be provided.~~

12

**Chapter 134 of the Acts of 2001, as amended by Chapter 153 of the Acts of**  
13 **2002**

13

14 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
15 shall take effect July 1, 2001. [On] IT SHALL REMAIN EFFECTIVE FOR A PERIOD OF 5  
16 YEARS AND, AT THE END OF June 30, [2003] 2006, with no further action required by  
17 the General Assembly, Section 3 of this Act shall be abrogated and of no further force  
18 and effect.

19

**Chapter 135 of the Acts of 2001, as amended by Chapter 153 of the Acts of**  
20 **2002**

20

21 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
22 shall take effect July 1, 2001. [On] IT SHALL REMAIN EFFECTIVE FOR A PERIOD OF 5  
23 YEARS AND, AT THE END OF June 30, [2003] 2006, with no further action required by  
24 the General Assembly, Section 3 of this Act shall be abrogated and of no further force  
25 and effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
27 effect July June 1, 2003. It shall remain effective for a period of 3 years and 1 month  
28 and, at the end of June 30, 2006, with no further action required by the General  
29 Assembly, this Act shall be abrogated and of no further force and effect.